



# AB 732 (Bonta) – Reproductive Dignity for Incarcerated People Act *(As amended January 23, 2020)*

## SUMMARY

AB 732 would improve the quality of reproductive health care for pregnant people in county jails and state prisons.

## BACKGROUND

People who are pregnant need regular care to have a healthy pregnancy. California law recognizes this by requiring that every pregnant incarcerated person in a county jail and state facility is provided with a balanced, nutritious diet, prenatal and postpartum information, and childbirth and infant care education.

Pregnant people need timely and regular prenatal exams to have a healthy pregnancy. Under California's Code of Regulations, state prisons are required to provide pregnant people with their first prenatal exam within 7 days of arrival and then regular appointments thereafter. This requirement does not apply to jails although they are consistent with medical best practices for jails.

Beyond diet, pregnant incarcerated people need a range of other accommodations to deal with the intense physical demands of pregnancy. These include getting a lower-tier housing assignment or bottom bunk so that they can avoid the strain and risk of falling that comes with frequently climbing stairs or steps up to a bunk. California's regulations require pregnant incarcerated people in state prisons to be housed in a multi-tier housing unit for lower bunks and lower tier housing. Jails do not have this requirement.

Labor and delivery is a stressful and scary time for many people, even when they are surrounded by loved ones. California prisons are required to allow pregnant incarcerated people to have a support person present during labor and delivery. Jails are not subject to these requirements, leaving pregnant people in jails to give birth without any loved ones present. As increasing numbers of people are incarcerated in jails, and for longer periods of time, due to California's response to prison overcrowding, it is essential that our laws enforce standards for reproductive care in jails.

## NEED FOR THE BILL

While institutions of incarceration should be meeting all the

health needs of people behind bars, reproductive health care needs are often unique and time-sensitive and do not correspond well to the traditional "sick-call" process for obtaining medical care. The lack of standardization of care in state prisons and county jails adversely impacts pregnancy and childbirth outcomes, as well as the health and wellbeing of both the parent and the infant. It also increases the number of preventable pregnancy- and childbirth-related deaths and medical complications. Over the few years, there have been reports and lawsuits throughout the state that expose these systemic failings. For instance, a class-action lawsuit was filed against the Santa Rita Jail in Alameda County alleging that incarcerated persons were coerced into abortions, treated inhumanly, and not provided with necessary prenatal care. The plaintiffs alleged a reprehensible pattern of maltreatment that resulted in three miscarriages and a woman giving birth in isolation.

California is obligated to uphold the dignity and humanity of people who are incarcerated by providing holistic health care, services, and support. Currently, protections that address obstetric care, housing accommodations, and the presence of a support person, among other issues, are confined to a section of the California Code of Regulations that applies to prisons but not jails. An alignment of policies would ensure pregnant people throughout California's criminal justice system are treated equitably.

## SOLUTION

AB 732 would codify into law regulations for state prisons, and extend protections for pregnant people incarcerated in California's state prisons to pregnant people in county jails. Under AB 732, county jails and state facilities would be required to:

- Ensure an incarcerated person who is identified as possibly pregnant during an intake health exam is scheduled for a pregnancy test if they desire one.
- Schedule a pregnant incarcerated person for an obstetrics exam within 7 days and then regular obstetrics and prenatal care visits thereafter.
- Give incarcerated people access to community programs.

- Provide pregnant incarcerated people with prenatal vitamins and care that includes treatment for infectious diseases.
- Assign pregnant incarcerated people to lower bunks and lower tier housing.
- Allow a pregnant incarcerated person to have a support person present during childbirth.
- Provide incarcerated people with postpartum examinations.
- Prohibit tasing of pregnant incarcerated people.
- Require jails and prisons to provide persons with menstrual supplies at no cost.

## **SUPPORT**

Women's Policy Institute, The Women's Foundation of California (Sponsor)

American Civil Liberties Union of California (Sponsor)

California Latinas for Reproductive Justice (Sponsor)

Young Women's Freedom Center (Sponsor)

Abortion Access Front

ACCESS Women's Health Justice

American Association of University Women

Black Women for Wellness Action Project

BreastfeedLA

California Attorneys for Criminal Justice

California Black Women's Health Project

California Catholic Conference

California Nurse Midwives Association

California Public Defenders Association

California Women's Law Center

Center for Reproductive Rights and Justice

Citizens for Choice

Cornerstone Doula Trainings

Diversity Uplifts

Ella Baker Center for Human Rights

Feminist Majority Foundation

Gyn Department of Alameda Health Systems

Having Our Say Coalition

HIVE

Hollywood Chapter of the National Organization for Women

Human Rights in Childbirth

If/When/How: Lawyering for Reproductive Justice

Initiate Justice

Kehilla Community Synagogue

Khmer Girls in Action

National Association of Social Workers

National Compadres Network

National Council of Jewish Women of Los Angeles

National Women's Political Caucus

NARAL Pro-Choice California

Orange County Women's Health Project

Positive Women's Network-USA

Praxis Project

Riverside Sheriffs' Association

San Bernardino County Young Democrats

Santa Barbara Women's Political Committee

Unite for Reproductive & Gender Equity

Women's Leadership Project

Women's Health Specialists

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## **OPPOSITION**

California State Sheriffs' Association

## **CONTACT**

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